

MEMORANDUM

To Board of Regents

From: Board Office

Subject: Revisions to Board of Regents Policy Manual

Date: December 4, 2003

Recommended Actions:

1. Approve for final reading and publication in the Board of Regents Policy Manual §6.37: Statewide Plan for Public Radio (Attachment 1);
 2. Approve editorial changes to Board of Regents Policy Manual as follows:
 - §4.16: Holidays (Attachment 2),
 - §4.31: Drug-Free Environment and Controlled Substances, Subsection C (Attachment 3),
 - §6.05: Academic Review and Program Approval (Attachment 4),
 - §5.06: Affirmative Action Committee (Attachment 5),
 - §7.09: Printing, Subsection D-4 (No Attachment) .
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Executive Summary:

Policy Manual
under intensive
review

The Board Office and Regent institutions have been in the process of reviewing the Board of Regents Policy Manual (Policy Manual), formerly the Procedural Guide, for more than a year. The process has involved the Board reviewing proposed changes and additions at one meeting, commenting on the proposals, and allowing institutional comments to be incorporated prior to final approval for publication at a subsequent Board meeting.

Public radio policy – editorial changes – Proposed revisions in Policy Manual §6.37: Statewide Plan for Public Radio, result from comments by Regents at the Board's November 2003 meeting and calls for cooperation among the stations in all aspects of programming. (Attachment 1)

Veteran's Day – alternate holiday – Proposed revisions in Policy Manual §4.16: Holidays, provides institutions flexibility to assign, with Board approval, an alternate holiday as an exchange for Veteran's Day which falls on a day classes are scheduled. (Attachment 2)

Required testing for controlled substances – Proposed revisions in Policy Manual §4.31 Drug-Free Environment and Controlled Substance, subparagraph C, identifies that testing for controlled substances can be required for employees to the extent permitted by law. (Attachment 3)

New academic program considerations	Proposed revisions in <u>Policy Manual</u> §6.05: Academic Review and Program Approval, clarifies the activities that must be undertaken by a university in establishing new programs. (Attachment 4)
Interinstitutional Affirmative Action Committee	Proposed revisions in <u>Policy Manual</u> §5.06: Committee on Affirmative Action and Equal Opportunity, complete sentences that had been sentence fragments. (Attachment 5)
Printing reference change	The proposed revisions in <u>Policy Manual</u> §7.09: Printing, Subsection D-4 references a previous section of the <u>Policy Manual</u> incorrectly. It refers to §7.04 and it should be §7.05. No attachment was prepared for this minor change.
Some changes proposed were deferred	Some additional changes were proposed by the institutions which are not incorporated herein. Prior to presenting these proposals the Board Office needs to have additional discussions with the institutional administrators to clarify both the institutional proposals and the Board's intent.
Effect of changes in governance reports next month	It is the Board Office's intent to have for the January Board meeting additional revisions resulting from the change in the schedule for governance reports and for Board meetings.

Strategic Plan:

Relates to quality, effectiveness, and efficiency	Revision of the <u>Policy Manual</u> is consistent with the Board of Regents current Strategic Plan, KRA 1.1.0.0, Quality. More specifically these proposals relate to KRA 4.0.0.0, Accountability, and particularly to Objective 4.2.0.0 – to improve the operational effectiveness and efficiency of the institutions.
FY 2004 – 2009 Strategic Plan	Four priorities for its 2004-2009 Strategic Plan were approved by the Board in July 2003. They are: #1 – quality education; #2 – discovery of new knowledge; #3 – needed service and promotion of economic growth; and #4 – public accountability. These proposed changes relate to public accountability for financial resources and acquiring and retaining quality staff to provide quality education.

Background:

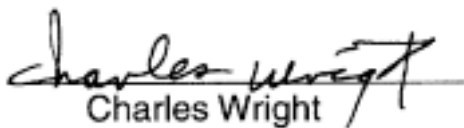
<u>Policy Manual</u> being revised	Previous revisions of the <u>Policy Manual</u> approved by the Board are catalogued in Attachment 6.
Editorial review underway	The Board Office and the Regent institutions are in the process of reviewing for consistency the <u>Policy Manual</u> revisions that have already been approved. This editorial process was expected to be completed at the December Board meeting. However, changes in the proposed Board meeting schedule and the associated change in the schedule of governance reports will require additional editorial changes. Changes proposed for <u>Policy Manual</u> sections as a result of the editorial review with the institutions and Regent comments are as follows:

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|--------------------------------|--|
| Public radio policy | <ul style="list-style-type: none">• §6.37: Statewide Plan for Public Radio, was reviewed last month by the Board. Regents requested a modification in the policy to foster communication and cooperation among the stations in all aspects of programming, not just regional programming. (Attachment 1). |
| Veteran's Day | <ul style="list-style-type: none">• §4.16: Holidays, adds the flexibility for an institutional head to provide an alternate holiday to Veteran's Day which falls on a day classes are scheduled. Board approval is required to exercise this flexibility. (Attachment 2) |
| Substance abuse testing | <ul style="list-style-type: none">• §4.31: Drug-Free Environment and Controlled Substances, Subsection C, clarifies that any institution's authority to direct an employee to testing for controlled substances must be done in compliance with applicable law. It serves as an alert to the institution that current law should be reviewed prior to ordering testing for substance abuse. (Attachment 3) |
| Academic program review | <ul style="list-style-type: none">• §6.05: Academic Review and Program Approval, reorganizes the information requested so that it flows in a more orderly and consistent manner. (Attachment 4) |
| Affirmative action committee | <ul style="list-style-type: none">• §5.06: Affirmative Action Committee, places the existing language, which included sentence fragments, into grammatically correct format. (Attachment 5) |
| Printing | <ul style="list-style-type: none">• §7.09: Printing, Subsection D-4, references a previous section of the <u>Policy Manual</u> incorrectly. The reference should have been to §7.05 and was incorrectly stated as §7.04. No attachment was prepared for this minor change. |
| Some proposed changes deferred | <p>Some proposals made by the institutions were not consistent with the Board Office's understanding of the Board's intent. Those items will be discussed and clarified with the institutions and may be brought forward next month.</p> |

Analysis:

Editorial changes proposed for the statewide plan for public radio are consistent with the Board's expressed interests.

Other edits proposed this month are the result of institutional comments and concurrence by the Board Office.


Charles Wright

Approved: 
Gregory S. Nichols

6.37 Statewide Plan for Public Radio

As an outgrowth of their educational and service missions, Regent universities have developed and operated public radio stations for many years for the benefit of the citizens of Iowa. Within the unique environment of contemporary radio, the stations present material that challenges, provokes, broadens, and educates listeners. The stations strive to provide programming which enriches and gives meaning to people's lives, recalls and transmits the history of people and explores and analyzes the problems and experiences of contemporary society.

The Board of Regents has approved the following Regents Statewide Plan for developing and operating public radio stations. One goal of this plan is to provide at least one high quality public radio signal to all Iowans.

A. Expansion of Service

1. Prior to preparing an application to the Federal Communications Commission (FCC) for a new license, the Regent institutions must consult with one another. Regent institutions are expected to provide documentation of such consultation to the Board.
2. The first priority for expansion should be to areas currently unserved by public radio.
 - a. The use of public funds to provide a signal to an unserved area may be appropriate should the Board determine that it is justified by the potential audience.
 - b. Public funds should not be used to extend a signal to an area already served by at least one Iowa public radio station.
3. Providing a new radio service to an area already served¹ by at least one Iowa public radio station may be appropriate if it is in the interest of the mission of the institution and of the Regent enterprise, if it is not inappropriately duplicative in programming, and if it is financed by private funds.
 - a. The institution should explain how the proposed expansion serves the mission of the institution.
 - b. The institution should describe the demand or need for the service in the area to be served.

¹ An area is considered "served" by an FM radio station if it is within the 1 millivolt per meter contour of a radio station signal, as defined by FCC, Corporation for Public Broadcasting, and National Public Radio.

- c. The institution should describe the additional programming which would be provided by the proposed new signal that is not being provided by existing services.
 - d. The institution should describe the details related to financing the service from private gifts.
- 4. Regent institutions must receive Board approval prior to submitting an application for expansion to the FCC.

B. Operating Public Radio Stations

- 1. Regent institutions should foster communication and cooperation among their public radio stations and other public radio stations to meet the diverse needs of the Iowa audience in the most effective fashion and to make the best use of limited resources.
- 2. Management of the stations should explore joint ventures in news, public affairs, live events, and all other ~~regional~~ programming. Cooperative efforts in fund raising, promotion, engineering services, personnel, and personnel training should be considered and employed where it can be effective.
 - a. The Iowa Communications Network will significantly expand opportunities to extend a variety of public radio signals to all Iowans and use of the network should be vigorously explored.

4.16 Holidays

The following holidays are granted annual to employees:

1. New Year's Day
2. Martin Luther King, Jr. Day or other holiday designated by institutional head and approved by the Board
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veteran's Day or other holiday designated by institutional head and approved by the Board
7. Thanksgiving Day
8. Friday after Thanksgiving
9. Christmas Day

4.31 Drug-Free Environment and Controlled Substances

- C. The Board of Regents recognizes that the abuse of controlled substances, including alcohol, can interfere with the ability to perform important functions physically, mentally and socially. All employees are expected and required to report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent any impairment because of use of controlled substances and alcohol. Failure to comply by the employee with this expectation may result in serious disciplinary sanctions, up to and including the termination of an individual's employment. In cases in which an institution has probable cause to believe an employee's ability to perform the employee's duties is impaired due to the use of alcohol or controlled substances, the institution should confront the employee and require testing and/or treatment, to the extent permitted by law. Failure to comply by the employee would be the basis for serious disciplinary action. Dependency upon controlled substances and/or alcohol is also recognized as an illness that poses a major health problem as well as presenting other serious safety and welfare implications for employees and students on the campus.

6. Does the proposed program meet minimal national standards for the program, e.g., Council of Graduate Schools or other such bodies?
7. Please report any reactions of the Iowa Coordinating Council for Post-High School Education. List date that the program information was submitted to the Council.
8. How does this program relate to the college's/university's strategic plan?

New program proposals for programs that are currently offered at one or more Regent universities must also complete the Board of Regents questions on potential program duplication contained in Chapter 6.09 of this Policy Manual.

Additional Resource Needs

Either question one or question two requires a "yes" answer. In addition to a "yes" response to one of the first two questions, question three and question four should be answered. If applicable, question five should be answered.

1. Will the program require new resources? Yes ___ No ___
If "yes," what is the plan to obtain new resources?
2. Will the program require reallocated resources? Yes ___ No ___
If "yes," what is the university's reallocation plan to fund this program?
3. At what level of enrollment will additional resources be required for the program?
4. For programs planning to use external grants, what would be the effect of the grant termination?
5. Estimate the total costs (or incremental increases in expenditures) that may be necessary as a result of the new program for the next three years.
~~— For programs planning to use external grants, what would be the effect of the grant termination?~~

	First Year	Second Year*	Third Year*
a. Faculty			
b. Graduate Assistants			
c. General Expense			
d. Equipment			
e. Library Resources			
f. New Space Needs [estimated amt. & cost of new and/or remodeled space]			
g. Computer use			
h. Other resources			
TOTAL(S)			

* Related to the preceeding year's cost.

6. ~~How does this program relate to the college's/university's strategic plan?~~

~~New program proposals for programs that are currently offered at one or more Regent universities must also complete the Board of Regents questions on potential program duplication contained in Chapter 6.09 of this Policy Manual.~~

5.06 Committee on Affirmative Action and Equal Opportunity

The interinstitutional Committee on Affirmative Action and Equal Opportunity is established and ~~shall~~ as appointed by the Board from institutional staff upon nomination of their respective institutional heads and the Board Office. The Committee shall meet periodically to develop common guidelines and general procedures for administration of Regent policies on equal employment opportunities and to exchange pertinent information. The Committee consists of two representatives from each of the institutions and the Board Office. ~~d~~Duties and responsibilities of the Committee are fully outlined in 1.06D of this Policy Manual.

Board approved revisions of sections of the Policy Manual

- Chapter V. Equal Opportunity, in January 2002.
- Chapter II. Meetings and Chapter IV. Personnel, in March 2002.
- Chapter IV. Personnel, §4.04 - Appointment of Presidents, Superintendents, and Executive Director and §4.11 - Employment and Supervision of Immediate Family Members, in April 2002.
- Chapter III. Board Office, in April 2002.
- Chapter VI. Academic Policies and Procedures (with the exception of §§6.03 and 6.04), in April 2002.
- Chapter I. Board of Regents, in May 2002.
- Chapter VI. Academic Policies and Procedures, §§6.03 and 6.04, in May 2002.
- Chapter VIII. Charges and Fees, in May 2002.
- Chapter IV. Personnel, §4.37 - Regent Employees Representing the Board of Regents and the Regent Enterprise, and §4.38 - Regent Employees Serving on State Committees as Regent Employees, in June 2002.
- Chapter I. Board of Regents, §1.07(A)(2)(b) (amended to include a community college president as a representative on the Committee on Educational Coordination), in June 2002.
- Chapter VII. Business Procedures, §7.04 – Purchasing, in July 2002.
- Chapter IV. Personnel, §4.39 - Conflict of Interest of Public Officers and Employees – Gifts, §4.40 - Conflict of Interest – Duty of Loyalty, and §4.41 - Inclement Weather, in January 2003.
- Chapter VII. Business Procedures, §7.01 - Authority, §7.02 - General Practices, §7.04 - Financing, §7.06 - Risk Management, §7.07 - Compliance and Reporting, and §7.08 – Audits, in January 2003.
- Chapter IX. Property and Facilities, §9.03 - Register of Capital Improvement Business Transactions, §9.04 - Permission to Proceed with Project Planning, §9.05 - Program Statement, §9.06 - Project Descriptions and Budgets, §9.07 - Consultant Agreements and Amendments, §9.08 - Construction Contracts and Change Orders, §9.09 - Acceptance of Completed Construction Contracts, and §9.10 - Final Reports, in January 2003.
- Chapter I: Board of Regents -- § 1.03: Report of Special Schools Advisory Committees; §1.04, subsections C and E; and §1.06I: Regent Advisory Committees on Iowa School for the Deaf and Iowa Braille and Sight Saving School, in April 2003.
- Chapter IV: Personnel, §4.42: Interinstitutional Staff Sharing, in April 2003.
- Chapter VI: Academic Policies and Procedures, §6.05: Academic Review and Program Approval and subsection 6.05B(3), in April 2003.
- Chapter IX: Property and Facilities, §9.07: Consultant Agreements and Amendments, in April 2003.
- Chapter I: Board of Regents -- §1.03: Governance, subsection E: Governance Reports – Banking Committee, in May 2003.
- Chapter I: Board of Regents -- §1.05: Board of Regents Committee, in May 2003.
- Chapter VII: Business Procedures -- §7.09: Printing, in July 2003.
- Chapter VII: Business Procedures -- §7.02: General Policies, A. Budgets, 6. Reallocation, in October 2003.
- Chapter I: Board of Regents -- §1.06E: Economic Development and Technology Transfer, in October 2003.
- Chapter III: Board Office -- §3.03: Responsibilities of the Executive Director and Board Office, emeritus status for Board Office staff, in November 2003.